

REMARKS/ARGUMENTS

Claims 42-47, 49-50, 56-63, 66-76, 83-88, and 90-92 are pending in this application. Claims 42, 57, 59-63, 66, 69-76, 88, 90 and 92 have been amended in response to the Examiner's objections. The Applicants reserve the right to present any withdrawn or canceled subject matter in one or more continuation or divisional applications.

The Examiner's objections to claims 57 and 69 have been addressed. Claim 57 was objected to as improperly dependent. The claim has been amended to add "prior to transfer of donor nucleus" to clarify the claim limitation. This limitation finds support on page 6 of the specification and in the examples provided on pages 25 and 26. Claim 69 was objected to due to a typographical error that is now corrected.

Claim 91 has been canceled, rendering the Examiner's comment as to the relationship of claims 88 and 91 moot.

The Examiner has rejected claims 42-47, 49-50, 56-58, 66-76, 83-87, and 90-92 under 35 U.S.C. §112, first paragraph, as non-enabling due to the use of the term "animal". The Examiner contends that the Application is enabled for the methods of preparing non-primate mammals using the claimed steps, but is not enabled for the claimed method of producing all animals. Solely in the interest of promoting prosecution, claims 42, 69-76, and 90-92 have been limited as suggested by the Examiner to non-primate mammals. For clarity, dependent claims 59-63 and 88 have also been amended. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

Claims 57 and 71-74 were rejected under 35 U.S.C. §112, second paragraph. Claim 57 was rejected as unclear as it relates to its relationship to claim 42. The Examiner asserts that, because claim 42 requires removal of "a" nucleus from the oocyte, it is unclear what claim 57 adds. Applicants have amended claim 42 to clarify that the *donor* nucleus is being removed in step ii. Claim 57 further limits the status of the first recipient oocyte prior to the addition of the donor nucleus in step i. The support for this amendment is found on pages 6, 19, 23, and 24 of the specification and in the examples provided on pages 25 and 26.

Claims 71-74 were also rejected under 35 U.S.C. 112, second paragraph. The Examiner considers the language "further manipulated" unclear and questions the meaning of the phrases "prior to full development of the embryo" in claim 71 and "prior to full development of the

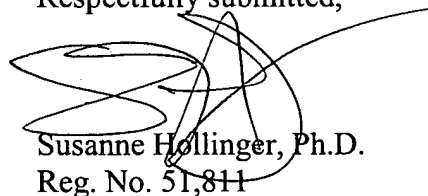
fetus" in claim 72. The Applicant respectfully directs Examiner to pages 18 and 29 of the specification which describe both in vivo and in vitro means of embryonic manipulation, including encasement in agar, introduction into the ligated oviduct of a surrogate animal and various cell culturing approaches. An example of further manipulation prior to full development of the fetus, relating to claim 72, is found on page 32. Regarding the Examiner's question of timing in claims 71 and 72, the phrases "full development of the embryo" and "full development of the fetus" refer to the transition points from embryo to fetus in the former and from fetus to offspring in the latter.

Claims 73 and 74, which recite methods of producing cell lines from reconstituted embryos and fetuses, were rejected as unclear because these depended on claim 69, which recites a method of producing an animal. Applicant has amended both claims to depend on claim 42, which recites a method of reconstituting an embryo. The further amendment to claim 74 is supported by pages 2 and 49 of the specification.

Applicant believes that the above amendments and clarifications place the amended claims in condition for allowance. Should the Examiner require additional changes, she is invited to contact the undersigned for discussion.

No further fees are believed to be due in connection with this response. However, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees to Deposit Account No. 11-0980.

Respectfully submitted,



Susanne Hollinger, Ph.D.
Reg. No. 51,811

KING & SPALDING LLP
1180 Peachtree Street, N.E.
Atlanta, Georgia 30309-3521
Telephone (404) 572-4600
Facsimile (404) 572-5134